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2 **Teleconference Legislative and Regulatory Affairs Committee Meeting Minutes**

3
4 NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-
5 20, dated March 17, 2020, neither Committee member locations nor a public meeting
6 location is provided

7
8 **Committee Members**
9 Marisela Cervantes, Chair
10 Sheryll Casuga, PsyD
11 Stephen Phillips, JD, PsyD

12
13 **Members Absent**
14 None

15
16 **Board Staff**
17 Antonette Sorrick, Executive Officer
18 Jonathan Burke, Assistant Executive Officer
19 Stephanie Cheung, Licensing Manager
20 Jason Glasspiegel, Central Services Manager
21 Sandra Monterrubio, Enforcement Program Manager
22 Cristina Rivera, Legislative and Regulatory Analyst

23
24 **Legal Counsel**
25 William Maguire
26 Heather Hoganson

27
28 **Friday, June 11, 2021**

29
30 **Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum**

31
32 Chairperson Cervantes called the Committee meeting to order at 10:00 a.m., roll was
33 called, and a quorum established.

34
35 **Agenda Item 2: Chairperson's Welcome and Opening Remarks**

36
37 Ms. Cervantes read the opening remarks and welcomed all participants to the meeting.

38
39 **Agenda Item 3: Public Comment for Items Not on the Agenda.**

40
41 There was no public comment offered.

42
43 **Agenda Item 4: COVID-19 Waiver Update**

44

45 Ms. Sorrick provided this update which included an update from May 28, 2021 and was
46 attached in the meeting materials. She stated that two new waivers had been extended;
47 extra time for Continuing Education and an extended exam eligibility period to allow for
48 more time to complete the licensing exam.

49
50 Discussion ensued regarding expected impact to licensees regarding the extended
51 state of emergency by the Governor.

52
53 Ms. Sorrick stated that the State would be reopened on June 15, 2021, but the
54 emergency order would still be in effect at that time. She stated that all Boards and
55 Bureaus had been waiting on word from DCA as to how the situation would affect the
56 waivers and information would be communicated to licensees and stakeholders as soon
57 as further clarification is received.

58
59 Discussion ensued between Drs. Phillips and Casuga with Mr. Glasspiegel how
60 licensees would report the Continuing Education hours at renewal and the internal
61 process in place to allow renewals with the waiver extension. It was expressed that
62 additional efforts would be made to provide clarification on the renewal process during
63 the state of emergency to stakeholders through an email blast.

64
65 There was no further Committee and no public comment offered.

66
67 **Agenda Item 5: Discussion and Possible Approval of the Committee Meeting**
68 **Minutes: March 19, 2021**

69
70 Ms. Cervantes introduced this item.

71
72 Dr. Phillips provided a minor correction of spacing in the Committee minutes, which was
73 updated in the document.

74
75 It was M(Phillips)/S(Casuga)/C to approve the March 19, 2021, Committee Meeting
76 Minutes as amended.

77
78 Vote: 3 Ayes, (Cervantes, Casuga, Phillips), 0 Noes

79
80 **Agenda Item 6: Board Sponsored Legislation for the 2021 Legislative Session:**
81 **Review and Possible Action**

82
83 a) SB 401 (Pan) Healing arts: psychology - Amendments to sections 2960 and
84 2960.1 of the Business and Professions Code Regarding Denial, Suspension and
85 Revocation for Acts of Sexual Contact

86
87 Ms. Rivera provided an update to this item and stated the bill was now a 2-year bill. This
88 was provided as information only with no action required.

89
90 There was no Committee or public comment offered.

91
92 b) Pathways to Licensure Statutory Revisions – Amendments to sections 27, 2909,
93 2909.5, 2910, 2911, 2913, 2914, 2915, 2915.5, 2915.7, 2942, 2944, 2946, and 2960 of
94 the Business and Professions Code, and section 1010 of the Evidence Code
95

96 Ms. Rivera provided an update to this item. She stated staff has been advised that the
97 vehicle for these amendments will be SB 801 (Roth). However, amendments specific to
98 the Board of Psychology are pending, it currently only applies to the Board of Behavioral
99 Sciences. Until then we are waiting and hoping that our amendments are accepted. We
100 don't know which amendments are going to be made so we will see once we are
101 amended into the bill.

102
103 There was no Committee or public comment offered.

104
105 c) Sunset Provisions – Amendments to section 2912 of the Business and
106 Professions Code, and Addition of Sections Related to Reinstatement to Active after
107 Voluntary Surrender, Licensure Committee Delegated Authority, and Authority to Issue
108 Waivers

109
110 Ms. Rivera advised that these provisions are hopefully going to be amended into SB
111 801 (Roth) as well.

112
113 There was no Committee or public comment offered

114
115 **Agenda Item 7: Legislative Update, Review, and Consideration of Additional**
116 **Changes**

117
118 a) Bills with Active Positions Taken by the Board

119
120 1. AB 32 (Aguiar-Curry) Telehealth

121
122 Ms. Rivera provided an update on AB 32 (Aguiar-Curry). She stated that the bill had
123 been sent to the Senate and was in Health Committee waiting for a hearing date.

124
125 There was no Committee or public comment offered.

126
127 2. AB 107 (Salas) Department of Consumer Affairs: boards: temporary licenses:
128 military spouses

129
130 Ms. Rivera provided update on AB 107 (Salas). She stated that the bill had been
131 referred to the Senate Business and Professions Committee awaiting hearing.

132
133 There was no Committee or public comment offered.

134
135 3. SB 731 (Durazo) Criminal records: relief

136

137 Ms. Rivera provided update on SB 731 (Durazo). She stated that on May 20, 2021,
138 amendments had been accepted in the Senate Appropriations Committee. This bill is
139 now with the Assembly and had been referred to the Committee on Public Safety.

140
141 There was no Committee or public comment offered

142
143 4. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations

144
145 Ms. Rivera provided an information only update on SB 772 (Ochoa Bogh) which was
146 included in the meeting materials beginning on page 94. She stated that this was a 2-
147 year bill and was not going to move in 2021.

148
149 There was no Committee or public comment offered

150
151 b) Watch Bills

152
153 Ms. Rivera provided a list of bills which were still Active and moving through the
154 process; AB 225 (Gray), AB 339 (Lee), AB 562 (Low), AB 657 (Bonta), AB 830 (Flora),
155 SB 221 (Wiener), and SB 224 (Portantino).

156
157 Discussion ensued on Agenda items 5, 12, and 15.

158
159 Ms. Rivera provided an update to AB 562 (Low) and stated that the bill had been
160 amended on April 8, 2021, to narrow the scope of who would be considered a frontline
161 provider in the COVID-19 pandemic. She stated that the bill had been referred to the
162 Committees on Business, Professions and Economic Development, and Judiciary.

163
164 Ms. Rivera provided an update to AB 1236 (Ting) and stated that Assemblymember
165 Ting had moved the bill to the Inactive file. She stated that DCA had been working with
166 the Office of Statewide Planning and Development (OSHPD) to see what possible
167 options existed for data collection.

168
169 Ms. Rivera provided an update to SB 221 (Wiener) and stated that the bill had been
170 moved to the Senate Health Committee and was waiting for a hearing date.

171
172 Dr. Casuga requested Board staff to conduct analysis of SB 221 (Wiener) and provide a
173 recommendation to the Committee to consider which was agreed to by Ms. Rivera.

174
175 There was no further Committee or public comment offered.

176
177 1. AB 29 (Cooper) State bodies: meetings
178 2. AB 54 (Kiley) COVID-19 emergency order violation: license revocation
179 3. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military
180 spouses: licenses
181 4. AB 339 (Lee) State and local government: open meetings

- 182 5. AB 562 (Low) Frontline COVID-19 Provider Mental Health Resiliency Act of
183 2021: health care providers: mental health services
184 6. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions
185 7. AB 657 (Bonta) State civil service system: personal services contracts:
186 professionals
187 8. AB 810 (Flora) Healing arts: reports: claims against licensees
188 9. AB 830 (Flora) Department of Consumer Affairs: director: powers and duties
189 10. AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing
190 11. AB 1026 (Smith) Business licenses: veterans.
191 12. AB 1236 (Ting) Healing arts: licensees: data collection
192 13. AB 1386 (Cunningham) License fees: military partners and spouses
193 14. SB 102 (Melendez) COVID-19 emergency order violation: license revocation
194 15. SB 221 (Wiener) Health care coverage: timely access to care
195 16. SB 224 (Portantino) Pupil instruction: mental health education
196

197 c) Update, Consideration, and Possible action on Governor's Budget Trailer Bill
198 proposal on Bagley-Keene Open Meeting Act: Remote Participation in Meetings.
199

200 Mr. Maguire, Board counsel, provided update on this item which was included in the
201 meeting materials beginning on page 193. He stated that the hope was to allow Boards
202 to continue with the option to meet remotely.
203

204 Mr. Maguire stated that the Assembly had rejected the proposal so the bill would not
205 move forward in the Assembly at that time. He stated that the Senate Committee on
206 Budget decided not to take it up. He provided some topics to consider, namely:
207

- 208 • To allow or not to allow remote teleconferencing for all meetings
 - 209 • To permit or require video or audio or both
 - 210 • Whether in person attendance is required for all Board members or not
- 211

212 Discussion ensued regarding access and participation in meetings and that the
213 teleconference model has worked well and shown increased public participation and
214 budget savings. Concern was expressed about vague language and specific provisions
215 listed that as written would be difficult for Board staff to implement. For example, a
216 requirement to monitor attendees' participation and stop the meeting if attendance
217 dropped below 50 percent.
218

219 Dr. Phillips expressed concern with vague language regarding audio and/or video
220 access requirements.
221

222 Ms. Cervantes echoed those concerns and stated additional concern of cost involved
223 and that she felt the existing model that has been implemented over the COVID-19
224 pandemic has worked well and hopes that it would be continued.
225

226 Dr. Jo Linder-Crow, California Psychological Association, commented that while she felt
227 that the teleconference option had been helpful, she missed seeing the faces of those
228 who were speaking.

229
230 There was no further public comment offered.

231
232 **Agenda Item 8: Legislative Items for Future Meeting.**

233
234 There was no Committee or Public comment offered

235
236 **Agenda Item 9: Regulatory Update, Review, and Consideration of Additional**

237 **Changes**

238
239 Mr. Glasspiegel provided updates to this item and stated that the Board's Standards of
240 Practice for Telehealth regulatory package had been delivered to the Office of
241 Administrative Law (OAL). He stated that staff was working on a Final Statement of
242 Reasons for the Continuing Professional Development (CPD) Regulatory Package, and
243 a first draft had been created of the Initial Statement of Reasons for the Fee Change
244 Regulatory Package and staff was working on the Notice.

245
246 Mr. Glasspiegel stated that all other items were in the DCA review process.

247
248 Discussion ensued on Item 9 (b) and (c) as to where the packages were in DCA review
249 process.

250
251 Mr. Glasspiegel stated that staff had some delays with review due to change of legal
252 counsel and that would be revisited. In regard to 9(c), he stated that there were forms
253 that needed to be updated, mandatory language that would need to be added as well as
254 legal justification for the updates which were currently with legal counsel.

255
256 Public Comment

257
258 Discussion ensued between Dr. Jo Linder Crow, CPA, Mr. Glasspiegel and Ms.
259 Hoganson as to how the process would work if the CPD package did not have approval
260 from OAL by the stated implementation date.

261
262 Clarification was given that once the package has approval, staff would work with the
263 OAL attorney to make adjustments to the implementation date.

264
265 Ms. Cervantes thanked all participants for their comments in the discussion.

- 266
267 a) 16 California Code of Regulations (CCR) 1396.8 – Standards of Practice for
268 Telehealth
269 b) 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,
270 1391.12, 1392.1 – Psychological Assistants

- 271 c) 16 CCR sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired
272 License, Psychologist Fees
273 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing
274 Professional Development
275 d) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Assistant
276 Registration and Reactivating a Psychological Assistant Registration
277 e) 16 CCR sections 1392 and 1392.1 – Psychologist Fees and Psychological
278 Assistant Fees
279 f) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related to
280 Substance-Abusing Licensees

281

282 **Agenda Item 10: Recommendations for Agenda Items for Future Board Meetings.**

283

284 There was no Committee or public comment offered.

285

286 **Adjournment**

287

288 The Committee adjourned at 11:53 a.m.